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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/723,222	03/25/2004	Kenneth J. Cool	P1718US01	9189
32709	7590	01/14/2008		
Gateway Inc Patent Attorney PO Box 2000 N. Sioux City, SD 57049			EXAMINER RAMAKRISHNAIAH, MELUR	
			ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/723,222	COOL, KENNETH J.	
	Examiner	Art Unit	
	Melur Ramakrishnaiah	2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 November 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 6-13, 16-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-3, 6-11, 13 and 16-19 is/are allowed.
- 6) ☒ Claim(s) 12 and 20-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 12, 20, 21, 22-23, 25, 27, 29 are rejected under 35 U.S.C 102(e) as being anticipated by Asmussen (US PAT: 7,293,279, filed 6-30-2000).

Regarding claim 12, Asmussen discloses a system for providing uninterrupted viewing of real time program during a telephone call from a caller to a user, the system comprising: means for displaying caller identification information upon receipt of the call (col. 43, line 61 – col. 44, line 7), means for detecting acceptance and termination of the call by the user, means for buffering the real-time program from the acceptance of the phone call and providing buffered program to the user upon termination of the call until the buffered program coincides with real time program (col. 44 lines 56-67; col. 45 lines 8-59), wherein the portion of the real time program is not buffered by the means for buffering to facilitate coincidence of the buffered program with the real time program (this is implied in as much as the reference teaches buffered program is played out till it catches with real time program (figs 25-26, col. 45 lines 41-51).

Regarding claim 20, Asmussen discloses computer readable medium having instructions for causing a computer to execute a method for providing uninterrupted

viewing of a real-time program during a telephone call from a caller to user, the method comprising the steps of: displaying caller identification information upon receipt of the call (col. 43, line 61 – col. 44, line 7), detecting the acceptance of the call by the user, buffering the real-time program from the acceptance of the call, displaying the buffered program to the user upon termination of the call until the buffered program coincides with the real time program (col. 44, line 57 – col. 45, line 51), wherein displaying the buffered program is performed in a manner faster than reception of the real time program (col. 46 lines 14-17; col. 50 lines 46-52).

Regarding claim 21, Asmussen discloses an integrated system for providing uninterrupted viewing of a real time program during a telephone call from a caller to a user, the system comprising: a display configured to display the program and caller identification information upon receipt of the call (col. 43, line 61 – col. 44, line 7), a speaker configured to provide audio output for the program and the call, a microphone configured to accept audio output for the call, a user input device configured to control viewing of the program and accepting and terminating of the call by the user (col. 39 lines 53-61), a controller (in set top terminal) configured to detect acceptance of the and termination of the call bY the user (col. 39 lines 19-42), a buffer (figs. 25-26) coupled to the controller, wherein the buffer is configured to initiate buffering of the real time program from the display of caller identification for the call (see step 1443 of fig. 28a: col. 47 lines 24-32), provide buffered program to the display upon termination of the call until the buffered program coincides with real time program (abstract: col. 44, line 57 – col. 45, line 52; col. 50 lines 1-13, lines 46-52).

Regarding claim 22, Asmussen discloses an apparatus, comprising: means for displaying video input signal, means for recording the video input signal (figs. 25-26), means (in set top terminal) for detecting an incoming phone call (col. 39 lines 19-42), means for causing the means for recording to record the video input signal in the Event detecting means detects the incoming phone call such that the displaying means are capable of displaying the recorded video signal to user upon termination of the phone call (abstract), wherein means for recording records the video signal prior to detecting the incoming phone call by means for detecting such that recorded video input includes a portion of the video input signal prior to detecting incoming phone call (step 1443 of fig. 28a; col. 47 lines 24-44) so that displaying of the buffered program includes a portion of the video input signal prior to detecting of the incoming call (col. 45, line 60 - col. 46, line 23; col. 50 lines 28-52).

Regarding claims 23, 25, 27, 29 Asmussen further teaches the following: recording means comprises a structure selected from the group consisting of: a set top box, a computer system, a satellite receiver, a cable receiver, a network client, and a television (figs. 1-3), comprising for allowing a voice mail system to handle the incoming phone call in the event user does not answer the phone call (col. 39 lines 44-50), detecting means further comprises means for displaying caller identification data from the incoming phone call to assist the user in selecting whether to answer the incoming call, displaying means is further capable of displaying caller identification data from the incoming call to assist user in selecting whether to answer the incoming phone call (col. 39 lines 19-42).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Asmussen.

Asmussen differs from claim 24 in that although discloses recording means is capable of initiating of the video input signal upon detecting the incoming call, upon detecting caller identification signal from the incoming phone call (step 1443 of fig. 28a), he does not specifically teach: initiating recording upon detection of ring signal etc.

However, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Asmussen's system to initiate recording under different time scenarios in order to meet needs of the user of the system

5. Claims 28 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Asmussen in view of in view of Lagoni et al. (US PAT: 6,141,058, hereinafter Lagoni).

Asmussen differs from claims 28 and 30 in that he does not specifically teach: detecting means for displaying caller identification data from the incoming phone call when the caller identification data matches a predetermined list, the caller identification data displaying means otherwise not displaying the caller identification data, displaying

means capable of displaying caller identification data from the incoming phone call when the caller identification data matches a predetermined list, the caller identification data displaying means otherwise not displaying the caller identification data.

However, Lagoni discloses television receiver having a user editable telephone system caller id feature which teaches: detecting means for displaying caller identification data from the incoming phone call when the caller identification data matches a predetermined list, the caller identification data displaying means otherwise not displaying the caller identification data, displaying means capable of displaying caller identification data from the incoming phone call when the caller identification data matches a predetermined list, the caller identification data displaying means otherwise not displaying the caller identification data (abstract; col. 1, line 66 – col. 2, line 16).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Asmussen's system to provide for the following: detecting means for displaying caller identification data from the incoming phone call when the caller identification data matches a predetermined list, the caller identification data displaying means otherwise not displaying the caller identification data, displaying means capable of displaying caller identification data from the incoming phone call when the caller identification data matches a predetermined list, the caller identification data displaying means otherwise not displaying the caller identification data as this arrangement would provide user with means for discriminating important calls while watching television so that user can handle important calls as taught by Lagoni.

6. Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over Asmussen in view of Christopher (US PAT: 7,272,295).

Asmussen differs from claim 31 in that he does not specifically teach: portion of the real-time program that is not buffered includes any commercial advertisements in the real time program.

However, Christopher discloses commercial skip and chapter delineation feature on recordable medium which teaches the following: portion of the real-time program that is not buffered includes any commercial advertisements in the real time program (abstract).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Asmussen's system to provide for the following: portion of the real-time program that is not buffered includes any commercial advertisements in the real time program as this arrangement would facilitate to eliminate recording of annoying commercials so that user can save recording medium for storing desired program.

7. Claim 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Asmussen in view of Brunelle et al. (US 2002/0172330A1, hereinafter Brunelle).

Asmussen differs from claims 26 in that he does not specifically teach: means for allowing a voicemail system to handle the incoming phone call in the event the user does not answer the incoming phone call, means for allowing voicemail system to handle incoming phone call in the event user does not answer the incoming phone call,

the voicemail system being disposed in a location selected from the group consisting of: integrated within recording means, and external to the recording system.

However, Brunelle discloses method and apparatus for managing calls through an entertainment center which teaches: means for allowing a voicemail system to handle the incoming phone call in the event the user does not answer the incoming phone call, means for allowing voicemail system to handle incoming phone call in the event user does not answer the incoming phone call, the voicemail system being disposed in a location selected from the group consisting of: integrated within recording means, and external to the recording system (figs. 1-2, paragraphs: 0031, 0033).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Allen's system to provide for the following: means for allowing a voicemail system to handle the incoming phone call in the event the user does not answer the incoming phone call, means for allowing voicemail system to handle incoming phone call in the event user does not answer the incoming phone call, the voicemail system being disposed in a location selected from the group consisting of: integrated within recording means, and external to the recording system as this arrangement would provide the user with call handling options while he is watching television as taught by Brunelle, thus providing flexibility for handling calls.

8. Claims 1-3, 6-11, 13, 16-19 allowed.

Response to Arguments


9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melur Ramakrishnaiah whose telephone number is (571)272-8098. The examiner can normally be reached on 9 Hr schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curt Kuntz can be reached on (571) 272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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Primary Examiner
Art Unit 2614